IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 23046 of 2004

Between:

M.A.Khadeer S/o.Md.Khaja Moinuddin
Executive Engineer, R.W.S., (PR) Hyderabad.

..... PETITIONER

AND

1 B Surender Reddy S/o. and age not known
Executive Engineer, RWS, Guntur.
2 State of Andhra Pradesh, rep. by its Secretary, Panchayat

Raj and Rural Development
Department, Secretariat, Hyderabad.
3 The Engineer-in-Chief Panchayat Raj, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction especially one in the nature of a writ of Mandamus to call for the records connected with the Judgment in O.A.No.5441/2004 dated 26.11.2004 and set aside the same by Judicially reviewing the same and consequently direct the respondents to continue to give effect to the G.O.Rt.No.1448 dt.22.9.2004 and pass such other and further order or orders.

Counsel for the Petitioner: MR.Y.VENKAT SASTRY

Counsel for the Respondent No.1: MR.M.RATNA REDDY

Counsel for the Respondents No.2 and 3: GP FOR SERVICES-II.

The Court made the following:

ORAL ORDER:- (Per GB,J.)

The Writ Petition is filed challenging the order, dated 26.11.2004 passed by the A.P. Administrative Tribunal in O.A.No.5441 of 2004.

2. The first respondent filed the aforesaid O.A. challenging the order of transfer issued in G.O.Rt.No.1448, dated 22.9.2004 posting him from the office of the Engineer-in-Chief (PR) Division, Hyderabad, to Guntur and in his place one M.A. Khadeer who is the writ petitioner was posted. The learned Tribunal after considering the matter set aside the orders of transfer of B. Surender Reddy, the first respondent herein, and that order became final.

3. Consequent on the implementation of the order of the Tribunal, the petitioner has to be restored back to the post of Executive Engineer, R.W.S. Division (PR), Hyderabad, but the apprehension of the petitioner is that he is likely to be posted to some other place than the place where he was holding the same post.

4. We are afraid we cannot accept the contention raised by the learned counsel.

5. When once the transfer order of B. Surender Reddy, the first respondent herein, is set aside, his position under Engineer-in-Chief is to be restored. Therefore, the petitioner will go back to the place where he was holding the post.

6. Clarifying this question, the writ Petition is disposed of. No costs.

G. BIKSHAPATHY, J.

P.S. NARAYANA, J.

Date: 30.12.2004

ES

To

1 The Secretary, State of Andhra Pradesh, Panchayat

Raj and Rural Development
Department, Secretariat, Hyderabad.

2 The Engineer-in-Chief Panchayat Raj, Hyderabad.

3 2CCs to the G.P for Panchayat Raj and Rural Development, High Court Buildings, Hyderabad(O.U.T)

4 The Registrar, A.P.A.T., Hyderabad.

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